

STATUS REPORT

Campaign for Judicial Accountability and Reforms

2007-2008

Brief Background

The Campaign for Judicial Accountability and Reform was launched in March 2007 with a two-day National People's Convention on Judicial Accountability and Reforms, organised in New Delhi. Although the Campaign had already been working, albeit with a different name (The Committee on Judicial Accountability), on issues of accountability and transparency in the Indian Judicial System for almost a decade prior to this convention, it felt the need to reach out to people outside the legal fraternity to strengthen the Campaign and make it even more effective. The Campaign came to the conclusion that accountability and transparency in the Indian Judiciary could only be made possible if the common people, especially the poor, who were adversely affected by the judiciary and the judicial system, came together and raised their voice against the elitist, anti-poor, opaque and corrupt judicial system.

The Campaign has, since its inception, highlighted several serious problems with the Indian Judicial System including its lack of affordability, its inaccessibility by the poor and marginalised, the appointment of its judges, its elitist and anti-poor bias, the lack of proper redressal mechanisms to address grievances against judges, inordinate delays in deciding matters and its inherent and pervasive lethargy.

In March 2007, through the National Convention, the Campaign resolved to encourage people's organisations and movements all over the country to initiate a sustained public campaign to reclaim the judiciary for "We the people" of this republic. Thereafter several people's organisations, non-governmental organisations, citizen's groups and individuals have endorsed the Campaign for Judicial Accountability and Reforms. Several organisations came together to launch a sustained Campaign, the list of all organizations are listed in our website and broadly include Human Rights organizations, Housing Rights Organisation, Unorganised Labour Organisations, Organisations working for the right to information and transparency, Women's Rights Organisations, Peoples Movements, Forest Dwellers Rights, and a several people's organisations, non-governmental organisations, citizen's groups and individuals.

The Campaign has a small working group that meets every fortnight to discuss the Campaign's activities, action and the way forward. The Campaign website (www.judicialreforms.org) is regularly updated with news and events on the judiciary, the judge watch and judgment watch sections- along with reports on the Campaigns activities and updates about the Campaigns forthcoming events.

Activities undertaken in the year March 2007- January 2008

10th-11th March 2007: First Peoples Convention on Judicial Accountability and Reforms organised in New Delhi to launch the Campaign. The Convention brought together over 250 participants from over 50 organisations to discuss the impact of the judiciary and on the lives of common people, especially the poor and the systemic problems with the present judicial system. The Convention made an appeal to all organisations to set up regional secretariats of the Campaign, take ownership of the Campaign and jointly work towards addressing the problems with the Indian judiciary and judicial system.

Hyderabad: 20th June 2007: A regional seminar on Judicial Accountability and Reforms was organised by ASCI-CMS in Hyderabad. A charter listing various concrete demands to reform the judiciary, making it more accessible and accountable was adopted.

Jaipur: 8th September 2007: A seminar was organised by Academy for Socio-Legal Studies and discussed issues related to the non-transparent and unfriendly nature of the judiciary towards the common people. The present feudal system it was proposed should be replaced by a 'people oriented judiciary, which is easily accessible, transparent, and based on good faith and social consciousness. It was also observed that the present judicial system is not only time consuming and expensive but in fact it has become redundant as far as true justice to the people is concerned. Therefore, the need to build a people's campaign and sustain it is essential.

Mumbai: 22-23rd December 2007: Over a 100 people participated in a Convention organised in Mumbai on the issue of judicial accountability and reform. Former CJI Mr. R.C. Lahoti inaugurated the Convention. Several civil society activists, and lawyers participated the Convention. Janhit Manch was hopeful that the Convention would advance the quest for securing judicial reforms so that the judicial system is accessible to more people.

Campaign exposing misconduct by Former Chief Justice of India

3rd August 2007: The Campaign for Judicial Accountability and Reform took up the issue of conflict of interest by the former Chief Justice of India, Y K Sabharwal in the Delhi sealings matter after the Mid-Day carried stories on the same. A Press Conference was organised sharing the facts of the case with the press. "Whither Judicial Accountability? The case of Justice Sabharwal: Disquieting facts, disturbing implications".

17th September 2007: A subsequent Press Conference on the Sabharwal matter was organised to disclose further documents and telephonic conversations with Justice Sabharwal and others in the Delhi sealings case.

25th September 2007: The Campaign organised a Press Conference to release the Statement by several well-known members of Civil Society inviting contempt action against themselves, in support of the Mid-Day journalists.

27th September 2007: The Campaign participated and supported the Journalists demonstration in response to the Mid Day judgement where the Delhi High Court issued a suo motu Contempt Notice to three Mid-Day journalists on the Sabharwal matter and sentenced them to prison.

26th November 2007: A formal Complaint was filed by the Campaign for Judicial Accountability and Reform against Justice Sabharwal, in the Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI) seeking a CBI enquiry into his misdemeanors.

The media at first hesitant took active interest in reporting the Sabharwal case, the contempt case against the Mid-day journalists was the rallying point, which enabled the media to shed their inhibition about writing on the judiciary. With *Tehelka* taking the lead in doing a cover story on the Sabharwal case, several national print and electronic media houses initiated a deserving debate on the problems ailing the Indian judiciary and judicial system. In particular the issue of appointments, lack of independent mechanisms to probe charges of corruption against erring judges (sitting and retired) and the issue of contempt were discussed through media reports on the Sabharwal case, editorials and opinion pieces on the state of the Indian Judiciary.

Members of Parliament also expressed dismay over the misconduct in the highest office of the Judiciary. The Speaker of the Lok Sabha, Shri Somnath Chatterjee gave a statement saying that charges against the former chief justice, Y K Sabharwal should be examined – “we can’t be guided by any form of dictatorship- of the legislature, executive or the judiciary” (*in the Hindustan Times dt. 28th September 2007*)

Member of Parliament Shri Sharad Yadav demanded a response from the government on the Sabharwal matter. Digvijay Singh (JD-U), D. Raja (CPI), V. Narayanswamy and Vijay Darda (Congress) supported Yadav’s demand for a debate in the House on the Sabharwal issue and for a permanent mechanism to fix accountability of the judges. The motion to discuss the Sabharwal case has been accepted for discussion in the Rajya Sabha.

In addition to this senior jurists like Justice V. R. Krishna Iyer, Justice J. S. Verma, Justice P. B. Sawant, Justice Bhagwati said any attempt to brush the Sabharwal issue under the carpet “could seriously tarnish the judiciary’s image.” They demanded a probe into the allegations of the Ex-CJI by the Supreme Court and the Government.

13th October 2007: A seminar on “*Securing Judicial Accountability*” was organised inviting representatives of all major political parties and senior members of the Bar - Shri. V.P.Singh, Former Prime Minister, Justice J. S. Verma, Former Chief Justice of India, Mr. Arun Shourie, Former Cabinet Minister and Former Editor of Indian Express, Mr. A.B. Bardhan, General Secretary of CPI, Mr. Ram Jethmalani, Former Law Minister, Shri. Sharad Yadav, President Janta Dal (U), Mr. Sita Ram Yechuri, Member Polit Bureau, CPI (M), Mr. P.C. Alexander, Member Rajya Sabha and Former Governor of Maharashtra, Mr. Dinesh Trivedi, Leader Trinamool Congress, Rajya Sabha, Mr. Vinod Mehta, Editor Outlook, Ms. Arundhati Roy, Writer and Social Activist, Mr. Kamal Mitra Chenoy, Member Central Committee, CPI shared their views on the subject – “freedom of Speech vs. Power of Contempt; towards an Independent National Judicial Commission”.

The Seminar concluded with the understanding that there is a crying need of exercising disciplinary power over judges; that truth as defence and anything said in good faith would not constitute contempt. There was also consensus on establishing an independent National Judicial Commission, with the proposed structure of two committees under the NJC- one committee to look after appointment and another that would consider cases of removal or disciplinary proceedings.

Campaign for Impeachment motion

16th November 2007: A Press Conference was organised with three eminent members of the legal fraternity, former Law Minister of India, Shri Shanti Bhushan, Shri Fali S. Nariman and Prashant Bhushan called upon Members of Parliament, cutting across

party lines, to sign an impeachment motion against Justice Bhalla on the basis of three serious charges raised against him which showed gross impropriety on the part of the Judge. A press statement was also issued which Shri Ram Jethmalani, Shri Shanti Bhushan, and Shri Fali S. Nariman jointly signed.

21st January 2008: Press Release issued on the Proposed Elevation Of Justice Bhalla. The Campaign expressed its surprise and dismay at the reported assent given by the Prime Minister and the President to the proposed elevation of Justice Jagdish Bhalla as Chief Justice of Himachal Pradesh High Court. In the release the Campaign also urged the authorities to withdraw the proposal to elevate Justice Bhalla as a regular Chief Justice, even at this late stage.